

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9926 of 2022

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M/S Maa Bindhyavasini Construction through Santosh Kumar (M) aged about 45 years, son of Late Srikant Choudhary, resident of Patel Chowk, Gachhi Tola, Station Road, Ballia, P.O. Lakhminiya, P.S. Ballia, District Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer in Chief cum Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Public Health Engineering Department, Darbhanga Circle, Darbhanga.
4. The Executive Engineer, Public Health Division, Darbhanga.
5. The Assistant Engineer, Public Health Sub-Division, Benipur, District Darbhanga.
6. The Junior Engineer, Public Health Section, Biraul-2, District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Harsh Anuj, Advocate Mr. Prashant Kumar, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“For issuance of an appropriate writ(s), order(s) or direction(s) for quashing of the order dated 14.05.2022 issued vide Memo no: 325 of the Respondent no.3 by which the Respondent no.3 has affirmed and confirmed the order dated 18.11.2021



issued vide memo no. 335 of the Respondent no.4 by which the petitioner was debarred from taking part in future BID in most whimsical and arbitrary manner only with a motive to cover up their wrongs done by the respondents and also to quash the order dated 18.11.2021 issued vide Memo no. 335 of the Respondent no.4 and further to direct them to make the payment of Rs. 22,50,000/- with interest @ 10% per annum for the work done in respect of SBD 01/2018-19.”

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law, preferably within a period of six months from the date of institution.

Needless to add, period for which the petitioner has been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.



It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	05.08.2022
Transmission Date	

